

DAILY LIFE SECURITY LAW
(Seikatsu Hogo Ho)

PUBLIC HEALTH AND WELFARE TECHNICAL BULLETIN

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1. General

a. Administration

In terms of money expended and persons aided the most extensive public welfare program is that authorized by the Daily Life Security Law, (Act No. 17 of 1946, Inclosure #1) which was passed by the Japanese Diet in September 1946 and became effective on 1 October 1946. The law is administered on the national level by the Protection Section, Social Affairs Bureau, Ministry of Welfare. In the prefectures, responsibility for carrying out the law is usually assigned to the Protection Section (Hogo-Ka) of the Prefectural Department of Welfare. This bulletin reviews the content of the Daily Life Security Law and not the method of administration. For further information concerning the administration of the law see Public Health and Welfare Technical Bulletin (TB - PH - ADM -3), subject: "Administration of Public Health, Welfare and Social Insurance in Japan," issued in February 1948. This reference bulletin was issued in two sections: Section I deals with the Ministry of Welfare, while Section II presents information concerning Public Welfare and Social Insurance Administration in the prefectures.

b. Previous Legislation

The Daily Life Security Law represents a completely new basis for providing public aid to needy persons in Japan in that it authorizes the granting of aid to all needy persons rather than a few selected categories. It is a general rather than a categorical approach to the provision of public assistance. Previously in Japan there were other laws which authorized public aid for selected groups of persons. A total of five such laws were repealed by the Daily Life Security Law: (1) The Poor Relief Law - Kyugo Ho (Act No. 39 of 1929 as amended by Act No. 36 of 1941), (2) The Mother and Child Protection Law - Boshi Hogo Ho (Act No. 19 of 1937 as amended by Act No. 36 of 1941), (3) The Medical Aid Law - Iryo Hogo Ho (Act No. 36 of 1941), (4) The Military Relief Law - Gunji Fujyo Ho (Act No. 1 of 1917 as amended by Act No. 27 of 1931 and Act No. 20 of 1937), (5) War Casualties and Damage Protection Law - Senji Saigai Hogo Ho (Act No. 7 of 1942).

c. SCAP Directives

It is to be noted that the Daily Life Security Law complies with the provisions of SCAPIN 775, issued on 27 February 1946 which provided that the Relief and Welfare Plan submitted by the Japanese Government must conform to the following conditions:

- (1) The establishment of a single National Government Agency which, through Prefectural and local governmental channels will provide adequate food, clothing, shelter and medical care equally to all indigent persons without discrimination or preferential treatment.
- (2) That financial support and operational responsibility be assumed by the Japanese Government and not delegated to any private or quasi - official agency.
- (3) That within the amount necessary to prevent hardship, no limitation be placed on the amount of relief given.

d. Ordinances and Regulations

In order to secure an understanding of the manner in which the Daily Life Security Law is carried out, it is necessary to analyze not only the Law, but also the ordinances and regulations subsequently issued by the Ministry of Welfare. The most important related ordinance is (Imperial) Ordinance No. 438, Subject: Enforcement of the Daily Life Security Law, issued on 20 September 1946 (Inclosure 2 to this Bulletin) which contains detailed regulations on how the law is to be carried out.

The Ministry of Welfare also issues letters of instructions concerning the Daily Life Security Law which are usually designated as Hatsu sha (Hatsu may be translated as dispatch; Sha is an abbreviation for Shakai Kyoku, the Social Affairs Bureau, which is responsible for administering the Daily Life Security Law). One of the more important dispatches issued by the Ministry of Welfare concerning the Law is Hatsu Sha No. 106 issued on 16 September 1946 (Inclosure #3). This was issued by the Vice-Minister of Welfare to all prefectural governors and contains general instructions and interpretations concerning the law.

e. Related Laws

In addition to the Daily Life Security Law there are other statutes which are related to the program authorized. One of the more important of these laws is the Minsei-iin Law passed by the Japanese Diet in July 1948. The authority for appointing, duties, organization and method of operation of Minsei-iin is contained in this law which became effective on 29 July 1948.

The Sick or Deceased Wayfarers' Law (Koryo Byonin oyobi Koryo Shibonin Toriatsukai Ho). Law No. 93 of 28 March 1898 is still in effect. This law provides aid to a person, away from home, who is sick without any means to secure medical care, or a person found dead on the street who has no responsible relative or whose identification cannot be established. The head of city, town or village is responsible for administration of the law.

The Child Welfare Law (Jido Fukushi Ho) which became effective on 1 January 1948, provides for a complete children's program, including Maternal and Child Health services. (See TB - PH - WEL 11 issued in February 1948).

2. Eligibility Requirements

a. Need

There is only one basic eligibility requirement for assistance under the Daily Life Security Law. It is provided by Article 1 of the Law that the Government is responsible for providing aid to person requiring assistance.

b. Residence or Settlement

Residence is not an eligibility requirement for receiving assistance under the Daily Life Security Law. The Law (Article 4) provides that when the residence is not certain, the headman of the city, town or village where the needy person is located is responsible for providing protection.

c. Responsibility of Relatives

The law specifically provides (Article 3) that aid shall not be provided to any person who has legally responsible relatives who are able to support him. In emergency cases, however, aid may be provided to such persons, for example; aid may be provided to persons who are temporarily separated from their legally responsible relatives. In Japan legally responsible relatives are children, parents, brothers and sisters, uncles and aunts. The definition of a legally responsible relative is found in the civil code and not in the Daily Life Security Law. Article 34 of the Daily Life Security Law provides that when assistance has been granted to a person who has a legally responsible relative able to support him the amount of assistance provided may be collected in whole or in part from the relative. In actual practice this provision of the law is seldom used.

3. Types of Aid Provided

Although public assistance in Japan is now authorized under one statute there are various types of aid available. Article 11 of the Daily Life Security Law provides for the following types of assistance: livelihood, medical, birth, vocational, and funeral. Persons with less income than is necessary for food, clothing, shelter, and incidental living expenses may be eligible for one or all of these types of aid. Those persons who have only

sufficient income or resources to cover food, clothing, shelter and incidentals may be eligible for medical care, birth aid, vocational aid and funeral aid.

The programs are financed mainly by funds provided by the national government. The apportionment formula provides that the national government shall provide eighty per cent (80%) of the funds expended, the prefecture provides ten per cent (10%) and the local cities, towns, and villages provide ten per cent (10%).

4. Aid for Livelihood (Outdoor Relief)

a. Form of Aid Provided

General public assistance, or aid for livelihood, is provided on a monthly basis in cash and in kind to needy persons. A recent agreement between Ministry of Finance and Ministry of Welfare should assure that national funds are available prior to the first of each month. It is expected that this may be difficult in the closing months of the fiscal year, when allocation must take "overages" and "underages" into consideration, and at the opening of the fiscal year when appropriations by the Diet may be slow. Assistance in kind has generally been limited to clothing, bedding and household goods. The greatest portion of this type of assistance in the past has come from stocks of Japanese army and navy clothing. Since only small amounts of such clothing remain in most prefectures such assistance in the future must come from current indigenous production.

b. Tables of Allowances

TABLE I

Heads of cities, towns and villages are authorized to give assistance based on the following allowance table.

District	Each Additional Person						
	1	2	3	4	5	6	
The region divided into wards in Tokyo Metropolis, 5 cities and the region of similar circumstances	455.	1,100.	1,710.	2,120.	2600.	3040.	425.
District							
Other cities and regions of similar circumstances	425.	955.	1,565	1,940	2370.	2795.	385.
Town and village	395.	875.	1,415	1,760	2145.	2540.	360

TABLE II

Heads of cities towns or villages may give assistance to individual cases up to the amounts in the following table with case by case approval by the prefecture governor.

District	1	2	3	4	5	6	Each Additional Person
The region divided into wards in Tokyo Metropolis, 5 cities and regions of similar circumstances	570	1,375	2,140	2,655	3,250	3,800	530
Other cities and regions of similar circumstances	530	1,195	1,955	2,425	2,965	3,490	485
Town and village	490	1,095	1,770	2,200	2,680	3,180	450

TABLE III

Heads of cities, towns or villages may give assistance to individual cases up to the amounts in the following table with case by case approval by the prefecture governor and by the Ministry of Welfare.

District	Family Make-up						Each Additional person
	1	2	3	4	5	6	
The region divided into wards in Tokyo Metropolis, 5 cities and regions of similar circumstances.	720. (24)	1,735 (57.85)	2,700 (90)	3,350 (111.65)	4,100 (136.65)	4,795 (159.83)	670 (22.35)
Other cities and regions of similar circumstances	670. (22.35)	1,505 (50.15)	2,465 (82.15)	3,060 (102.)	3,740 (124.65)	4,405. (146.85)	610 (20.35)
Town and village	620 (20.85)	1,380 (46.00)	2,230 (74.35)	2,775 (92.50)	3,380 (112.65)	4,010 (133.65)	570 (19.00)

The figures in the above three tables have been based on a thirty day month and may be adjusted for longer or shorter months or for partial months.
Funds in addition to the above tables may be given for:

- (1) school lunches
- (2) school supplies (a new feature)
- (3) expenses for children under one year of age fed chiefly on prepared infant foods.

c. Supplies for School Children

In earlier public assistance family allowances plans there was a small portion which was for school supplies. In the plan outlined above it will be noted that funds for school supplies may now be authorized in addition to the family allowance. The program has been considerably augmented and now represents a fair allowance for the intended purpose. The plan is as follows:

Elementary School						
Classification	1st Yr.	2nd Yr.	3rd Yr.	4th Yr.	5th Yr.	6th Yr.
Text Books	28.10	39.60	24.60	173.30	59.00	59.10
School Supplies	197.70	162.70	177.40	434.85	358.75	284.75
Shoes & umbrellas	132.80	132.80	132.80	132.80	132.80	132.80
Total	358.60	335.10	334.80	740.95	550.55	476.65
Monthly Amt.	29.88	27.92	27.90	61.74	45.87	39.72
Amt. Adjusted	30.00	28.00	28.00	61.00	46.00	40.00

Middle School			
Classification	1st Year	2nd Year	3rd Year
Text-books	143.18	163.50	184.80
School Supplies	1263.20	563.90	563.90
Shoes & umbrellas	132.80	132.80	132.80
Total	1,539.18	860.20	881.50
Monthly Amount	128.26	71.68	73.45
Amount Adjusted	128.00	72.00	73.00

d. Method of Application

Table III above is the "limit necessary for a minimum living" from which income will be deducted. (It will be noted that cities, towns, and villages have a considerable higher standard allowances which may be authorized locally, and that the prefectural governor may now authorize increases in individual public assistance grants of approximately 25%). Heads of cities, towns, or villages are still authorized to request the prefectural governor to increase the status of individual cities, towns, and villages on a blanket basis. For example, a town bordering on a city may have just as high living costs as the city. If the head of the town applies through the prefectural governor to the Ministry of Welfare the status of the town may be increased to that of the city in order that the same allowance standard may prevail for both.

Reference to Table III above shows that a family of five in Osaka has a "limit necessary for a minimum living" of ¥4,100 per thirty day month. The following examples will indicate determination of grant and application of procedure in three typical instances:

REPRESENTATIVE FAMILIES OF FIVE PERSONS.	MONTHLY FAMILY INCOME*	PUBLIC ASSISTANCE GRANT	APPROVAL PROCESS
A	¥600	¥3500	Individual case approval by Governor and Ministry
B	¥1000	¥3100	Individual case approval by Governor
C	¥2000	¥2100	Local Approval

* As determined by Minsei-iin Committee.

Family "A" public assistance grant is over ¥2600 and also over ¥3250 and therefor requires approval by the governor and by the Ministry of Welfare. Family "B" public assistance grant is over ¥2600 yet under ¥3250 and therefor requires approval by the governor.

In families A and B the ¥2600 allowed with local approval would be granted immediately upon local eligibility acceptance. Increases authorized over that amount by the governor and the Ministry of Welfare presumably would retroactive to the effective local eligibility date. Family "C" would receive its grant immediately upon local acceptance of eligibility.

e. Basis for Computing "Limit Necessary for a Minimum Living".

Central government officials are as yet exceedingly reluctant to give local officials complete authority in authorizing grants. The present program as outlined above still retains certain cumbersome aspects which may tend to limit the size of local individual public assistance grants. Better training for local officials and for Minsei-iin will help to overcome this reluctance. Government officials and Minsei-iin officials do not as yet believe that many local officials and Minsei-iin are competent enough to evaluate other resources which might be deducted in addition to cash income. They also believe that the volunteer status of the Minsei-iin and their admittedly heavy responsibilities in addition to the public assistance program precludes the possibility of making additional demands on their time and effort by requesting use of a family budget system and a full evaluation of needs and resources. Ministry officials are, however, studying all types of family budgeting and methods of determining eligibility in order to prepare a more adequate program for the future. The following figures are for the information of Military Government Welfare officers. The figures indicate the budgetary basis upon which Table III was determined. (Large city).

Family Make-up

Expenses	1 person	2 per.	3 per.	4 per.	5 per.	6 per.
(1) Food ¥	454.69	¥1,217.48	¥2,211.81	¥2,719.20	¥3,445.40	¥4,041.48
rationed staple food	247.20	521.40	721.80	915.00	1,039.62	1,386.00
rationed subsidiary food	105.38	210.76	316.14	421.52	526.93	632.28
rationed condiments (shoyu, bean-pastes, etc.)	25.01	50.02	75.03	100.04	125.06	150.06
rationed comfort goods (Candy, cooky, etc.)	0	0	19.14	19.14	19.14	19.14
Total of rationed foods.	377.59	782.18	1,132.11	1,455.70	1,709.75	2,187.48
non-rationed food	77.10	435.30	1,079.70	1,264.20	1,735.65	1,854.00
(2) <u>Housing</u>	62.29	62.88	71.13	71.72	79.98	80.57
rent	15.33	15.33	22.99	22.99	30.66	30.66
kitchen utensils	6.96	7.55	8.14	8.73	9.32	9.91
water charge	40.00	40.00	40.00	40.00	40.00	40.00
(3) <u>Clothing</u>	27.50	47.98	59.95	79.85	87.70	114.63
clothing goods	8.64	17.57	25.50	34.43	41.61	51.50
personal effects (umbrella, wooden-clogs etc.)	18.86	30.41	34.45	46.42	46.09	63.13

Family Make-up

Expenses	1 person	2 per.	3 per.	4 per.	5 per.	6 per.
(4) <u>Heat & Light</u>	99.92	166.56	186.66	240.48	240.48	240.48
electricity charge	0	0	20.10	20.10	20.10	20.10
charcoal and firewood	93.31	159.95	159.95	213.27	213.27	213.27
match & other	6.61	6.61	7.11	7.11	7.11	7.11
(5) <u>Health & Sanitation</u>	23.94	75.27	91.35	139.83	148.16	217.49
public bath charge	20.00	40.00	52.00	60.00	76.00	96.00
hair cuts	0	20.00	30.00	60.00	50.00	90.00
sanitary goods (tooth powder, absorbent cotton, toilet paper, etc.)	3.94	5.27	19.35	19.83	22.16	24.49
(6) <u>Miscellaneous</u>	53.24	64.61	77.29	90.80	98.28	107.19
Total exclusive of the expenses of foods.	266.89	417.30	486.38	622.68	654.60	753.36
Total	721.58	1,217.48	2,698.19	2,342.58	4,100.00	4,794.84
The amount adjusted	720.00	1,605.00	2,700.00	3,350.00	4,100.00	4,795.00

f. Institutional Care - (Indoor Relief)

Since the passage of the Child Welfare Law there are two sources from which funds for institutional care are provided. They are (1) funds from the Children's Bureau for all institutions provided for in that Law, and (2) funds from Social Affairs Bureau for protective institutions under the Daily Life Security Law. (See Welfare Ministry Regulations #38, Issued 20 Sep 46, Inclosure #4.)

The following table indicates the present allowances for "cost of care" and for "administrative cost."

Type of Institution	Daily "Cost of Care"	Daily "Administrative Cost"	Source of Funds
Home for Juvenile Training and education	¥24	¥ 34**	Children's Bureau
Homes for dependent neglected, abused, or feeble-minded children	¥24	¥ 28	"
Mother's and children's home	Public assistance if necessary	¥1.33	"
Foster home care	¥24	None	"
Daynursery-permanent	None	¥1.33	"
Homes for physically handicapped or weak children	¥24	¥8	"
Temporary shelter homes (Art. 33-Child Welfare Law)	¥27	¥10	"
Consigned temporary care (if above not available)	¥24	-	"
Homes for aged	See note*	¥23.30	Social Affair Bureau
Work shop approved as protective agency	None	¥1.33	"
Vagrants or homeless single persons institutions	See note*	¥1.33	"
Barrack-type housing for homeless families	Public assistance as needed	¥1.33	"

* Amount for single individual in table of allowances. Assistance in these instances is given on the same basis as "outdoor" assistance. Of the funds allowed by the head of city, town or village prove to be insufficient the prefecture may approve the next higher table on an individual institutional basis. Table III may be authorized upon application to the Ministry.

** The figures in this column denote maximums. "Administrative Cost" is paid only for those persons receiving assistance under the Daily Life Security Law.

5. Non-regular Assistance or "Incidental Assistance"

In addition to aid for livelihood or regular assistance the Daily Life Security Law authorizes four kinds of temporary aid - Medical aid, Birth aid, Occupation aid, and Funeral aid.

a. Medical Aid

(1) Extent

The granting of medical aid is authorized by Article 11 of the Daily Life Security Law. Medical aid includes medical examination and treatment; supply of medicines or medical materials; surgical treatment; and nursing care. (See Article 4 of the Enforcement Ordinance.) A surgical corset, crutches, supporting vehicle, or artificial limbs may be provided. Institutional care or hospitalization is allowed if necessary for medical treatment.

(2) Facilities

Medical treatment shall be received from an institute of medical treatment specified by the Minister of Welfare or any physician or dentist specified by the mayor of the city or the headman of the town or village concerned. In an emergency, however, such treatment may be secured from any physician or dentist not specified by the mayor of the city, or the headman of town or village concerned.

(Article 6 of the Enforcement Ordinance).

When a prescription has been delivered by a physician or dentist, the recipient thereof shall receive the preparation or preparations mentioned therein from the pharmacist specified by the mayor of the city or the headman of a town or village concerned. (Article 7 of the Enforcement Ordinance).

(3) Designation of Medical Agencies

The Ministry of Welfare Directive (Kokuji) No. 61, issued on 20 September 1946 designated medical agencies and institutions operated by prefectures, cities, towns and villages as the medical agencies and institutions authorized by the Minister of Welfare as stated in Article 6 of Imperial Ordinance No. 438, of 1946 (Inclosure #2). National hospitals, National sanatoria, and National mental hospitals have also been designated.

(4) The "Point System"

The "Point system" is used to determine the amount to be paid for medical aid. Payments for the medical treatment are not made to the person protected, but paid directly to the medical facility or

physician who has given medical treatment. The expense is paid according to the Ministry Welfare notification, subject: "The method of computing expenses required for medical care according to the Health Insurance and Seaman's Insurance program, and the expenses which should claim payment from the juridical person carrying out the business of the National Insurance Union," dated 8 February 1943. In determining the amount which can be paid the point system denotes the maximum but the actual payment may be less, depending upon the actual cost of the service provided.

Regulations provide that the person who receives medical aid and is capable of bearing a part of the expenses for medical treatment should pay the part which he is able to pay. For each type of medical care including drugs and fee for a doctor's house call a certain number of points are assigned. For example, suppose 20 points are allowed for hospitalization. In order to compute this in terms of money, the unit price of one point will be multiplied by 20. The unit price of one point will be different in different localities, because it is determined by the governor of each prefecture.

b. Birth Aid

(1) Extent

Birth Aid includes delivery aid, pre-natal aid, post-partum care, and nursing care. The provision of birth aid is authorized by Article 11 of the Daily Life Security Law and is further defined by Article 5 of the Enforcement Ordinance.

In case of abnormal delivery, the treatment provided may be considered as coming under the regulation providing medical aid. In other words an abnormal delivery may be regarded as requiring medical aid rather than birth aid. In this way higher payments may be made when necessary. Also when an expectant woman requires hospitalization for delivery the hospital charges may be paid under the medical aid program.

(2) Facilities

Birth aid is received from an institute of protection, or an institute of medical treatment specified by the Minister of Welfare, or any physician or midwife specified by the Mayor of the city or the headman of the town or village concerned. Under pressing circumstances, however, such treatment may be secured from any physician or midwife not specified by the mayor of the city, or the headman of the town or village concerned. (Article 6 of the Enforcement Ordinance.)

(3) Fee Schedule

For the "six larger cities" and for the "other cities" the provision for payment is similar. It includes (1) an initial examination at ¥40; (2) 6 additional examinations at ¥20 each; (3) delivery fee of ¥300; (4) 6 baths at ¥15 each; a total of ¥550. Towns and villages differ only in

that the delivery fee is ¥250. If there are special circumstances, increases may be authorized by the Ministry of Welfare.

c. Occupation Aid

(1) Extent

Occupation Aid is extended by granting or lending of funds, instruments, or materials required for one's occupation, or by giving such technical training as is required. (Article 8 of the Enforcement Ordinance).

Accordingly Occupation Aid is provided only when the working ability of a person still exists, or can be developed. The aim is to encourage the individual to work for himself in cultivating an independent and self-help spirit.

(2) Standard Amount

The funds, instruments, and materials granted or lent under Occupation Aid should be limited to the minimum indispensable for enabling the person aided to become self-supporting.

The standard amount to be disbursed for the granting or lending the funds, instruments or materials necessary for securing an occupation is 1,000 yen for one person capable of working, and within the scope of this amount, the headman of a town, or village concerned is authorized to make a decision as to its granting or lending. In case the amount to be provided exceeds 1,000 yen but is less than 2,000 yen, the headman of the town or village can grant or lend the money required with the approval of the governor.

The standard amount of the expenses to be disbursed for acquiring technical training is 3 yen per person a day, supplied to the person. Six months is usually the maximum length of such training. If it is deemed necessary under certain circumstances, an increase in the standard amount, or the extension of the technical training period is allowed with the approval of the Minister of Welfare..

d. Funeral Aid

(1) Extent

Article 17 of the Daily Life Security Law and Ministry of Welfare Regulation No. 38 (Article 13) provides that funeral aid shall be extended through the granting or lending of money or things required for a funeral (Article 9 of the Enforcement Ordinance). When the recipient of public assistance dies the funeral expense may be paid to the responsible member of the family. In the event there is no one who would ordinarily provide for the deceased recipient of public assistance, the headman of city, town or village who has been giving aid to this person is responsible for the funeral.

(2) Fee Schedule

The schedule for the six largest cities is as follows:

	<u>Coffin</u>	<u>Crema- tion</u>	<u>Transpor- tation</u>	<u>Urn and Monument</u>	<u>Altar & Misc.</u>	<u>Tip</u>	<u>Sutra Fee</u>	<u>Total</u>
Adult	455.56	300	375	87.60	76.04	46.58	50	1372.78
Child	255.60	150	375	89.60	76.04	46.58	50	1042.82

Fee in the "other cities" is 92.85% of the above totals.

Fee in towns and villages is 71.42% of the above totals.

6. Index for the Daily Life Security Law and Cabinet Ordinance

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